

1 HONORABLE RICHARD A. JONES
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 TIMOTHY MEAMBER,
11 Plaintiff,

12 v.
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14 JAVLIN ONE LLC,
15 Defendant.

CASE NO. C17-1628 RAJ
ORDER

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17 This matter comes before the Court on Plaintiff Timothy Meamber's motion for
18 temporary restraining order. Dkt. # 8. Defendant Javlin One LLC ("Javlin" or
19 "Defendant") opposes the motion. Dkt. # 14.

20 To obtain preliminary injunctive relief, Plaintiff must "establish that he is likely to
21 succeed on the merits, that he is likely to suffer irreparable harm in the absence of
22 preliminary relief, that the balance of equities tips in his favor, and that an injunction is in
23 the public interest." *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20
24 (2008). The standard for a temporary restraining order is substantially the same.
25 *ProtectMarriage.com - Yes on 8 v. Courage Campaign*, 680 F. Supp. 2d 1225, 1228
26 (E.D. Cal. 2010) (citing *Winter*); *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240
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1 F.3d 832, 839 n.7 (9th Cir. 2001) (noting that preliminary injunction and temporary
2 restraining order standards are “substantially identical”).

3 Plaintiff did not meet his burden to obtain a temporary restraining order. Plaintiff
4 has not shown that he will suffer irreparable harm. In his motion, Plaintiff concedes that
5 any monetary award from his settlement would remain in a trust account. Dkt. # 8 at 2.
6 Therefore, there does not appear to be an urgency for these funds, nor does it appear that
7 Plaintiff could not be made whole should he receive a monetary judgment in this matter.
8 This is enough to preclude the Court from issuing a temporary restraining order.

9 Because a temporary restraining order is “an extraordinary remedy [that is] never
10 awarded as of right,” the Court concludes that granting the motion is inappropriate in this
11 context. *See Winter*, 555 U.S. at 24. Accordingly, the Court **DENIES** Plaintiff’s motion.
12 Dkt. # 8.

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14 Dated this 20th day of November, 2017.

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18 The Honorable Richard A. Jones
19 United States District Judge
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